

**\*\*SECTION 362 INFORMATION SHEET\*\***Edmond Mark Hodges  
DEBTOR10-52788-GWZ  
Bankruptcy Case No.

Motion No.

American Home Mortgage Servicing Inc  
FKA American Home Mortgage  
CREDITOR13  
CHAPTER FILED7415 Desert Plains Drive, Sparks, NV 89436  
Property Address**Certification of Attempt to Resolve the Matter Without Court Action:**

*Moving counsel hereby certifies that pursuant to the requirements of LR 4001(a)(2), an attempt has been made to resolve the matter without court action, but movant has been unable to do so.*

Date: July 26, 2010

Signature: /s/ Michael W. Chen

Attorney for Movant

## PROPERTY INVOLVED IN THIS MOTION:

NOTICE WAS SERVED ON: Debtor: X; Debtor's Counsel: X; Trustee: X

DATE OF SERVICE: \_\_\_\_\_

**EXHIBIT A**

<b>MOVING PARTY'S CONTENTIONS:</b>  <b>The EXTENT and PRIORITY OF LIENS:</b>  1st Moving party is title holder of property 2nd Property was foreclosed upon prior 3rd to the instant bankruptcy filing Total Encumbrances:	<b>DEBTOR'S CONTENTIONS:</b>  <b>The EXTENT and PRIORITY OF LIENS:</b>  1st 2nd 3rd Total Encumbrances:  <b>APPRAISAL OR OPINION AS TO VALUE</b>
<b>TERMS OF MOVANT'S CONTRACT WITH THE DEBTOR:</b> Amount of Note: n/a Interest Rate: n/a Duration: n/a Payment per Month: n/a Date of Default: n/a Amount in Arrears: n/a Date of Notice of Default: <b>SPECIAL CIRCUMSTANCES:</b>  Signature: <u>/s/ Michael W. Chen</u>	<b>DEBTOR'S OFFER OF ADEQUATE PROTECTION for the MOVANT:</b>       <b>SPECIAL CIRCUMSTANCES:</b>   Signature: _____

**EXHIBIT "A"**

**THE COOPER CASTLE LAW FIRM, LLP**  
A Multi-Jurisdictional Law Firm

820 South Valley View Blvd  
Las Vegas, Nevada 89107  
Telephone (702) 435-4175  
Facsimile (702) 435-4181

July 26, 2010

Via U.S. Mail:

EDMOND MARK HODGES  
870 CALLE MYRIAM  
SPARKS, NV 89436

RE: Debtor:	Edmond Mark Hodges
Bankruptcy No.:	10-52788-GWZ
Bankruptcy Chapter:	13
Bankruptcy Filed On:	July 15, 2010
Our File No.:	10-07-8636-NV
Property Address:	7415 Desert Plains Drive, Sparks, NV 89436

Dear Edmond Mark Hodges:

On July 21, 2010, we received authorization from our client, American Home Mortgage Servicing Inc. F/K/A American Home Mortgage, to act on their behalf on the above referenced loan.

**Please see attached worksheet in compliance with Local Rule 4001.**

Your anticipated cooperation in this matter is greatly appreciated. If you have any questions, please do not hesitate to contact us.

Very truly yours,

THE COOPER CASTLE LAW FIRM

/s/ Michael W. Chen  
Michael W. Chen, Esq.

cc: William A Van Meter, Sent Via U.S. Mail:

LAS VEGAS • PHOENIX • DENVER • SALT LAKE CITY • CASPER • ALBUQUERQUE • PANAMA

*In Affiliation with Castle, Meinhold & Stawiariski*

LAS VEGAS OFFICE  
820 South Valley View Blvd  
Las Vegas, Nevada 89107<sup>+</sup> 2821

HENDERSON OFFICE  
2821 W. Horizon Ridge Pkwy, Suite 201  
Henderson, NV 89052

Telephone (702) 435-4175 • Facsimile (702) 877-7424

## CHAPTER 13- LOCAL RULE 4001 Compliance Worksheet

**Occupant:** Edmond Mark Hodges

**Chapter:** 13 Asset

**Our Client:** American Home Mortgage Servicing  
Inc. F/K/A American Home Mortgage

**BK #:** 10-52788-GWZ

**Our File #:** 10-07-8636-NV

### Terms under which we can resolve this matter without the filing of a motion:

Tenant/Debtor must vacate property immediately I will sign a stipulation to that effect and return within two business days.



We will not accept telephone tag or issues regarding our telephone system as a means of delaying the filing of a motion and ask that you either fill out this sheet OR send written confirmation via fax to (702) 435-4181. A fax log is kept for accuracy of when your written confirmations are returned.

Attorney Signature \_\_\_\_\_ Date: \_\_\_\_\_

This motion will be filed on **August 2, 2010 @ 1:00 PM**

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*In Affiliation with Castle, Meinhold & Stawiariski*

LAS VEGAS OFFICE  
820 South Valley View Blvd  
Las Vegas, Nevada 89107-2821

HENDERSON OFFICE  
2821 W. Horizon Ridge Pkwy, Suite 201  
Henderson, NV 89052

Telephone (702) 435-4175 • Facsimile (702) 877-7424

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The Cooper Castle Law Firm, LLP  
A Multi-Jurisdictional Law Firm  
Bankruptcy Department  
820 South Valley View Blvd.  
Las Vegas, NV 89107

EDMOND MARK HODGES  
870 CALLE MYRIAM  
SPARKS, NV 89436

Stephanie L. Cooper, Esquire  
Nevada Bar No. 5919  
Michael W. Chen, Esquire  
Nevada Bar No. 7307  
THE COOPER CASTLE LAW FIRM  
A Multi-Jurisdictional Law Firm  
820 South Valley View Blvd.  
Las Vegas, NV 89107  
(702) 435-4175/(702) 435 4181 (facsimile)  
Our File No. 10-07-8636-NV

Attorney for Creditor  
American Home Mortgage Servicing Inc FKA American Home Mortgage

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:  
EDMOND MARK HODGES  
  
Debtor(s)

CHAPTER 13  
BANKRUPTCY NO.: 10-52788-GWZ  
DATE: September 10, 2010  
TIME: 1:30 PM

RE: 7415 Desert Plains Drive,  
Sparks, NV 89436

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY**  
**FOR THE PURPOSE OF EVICTION**

TO: **Edmond Mark Hodges**                      **DEBTORS**  
TO: **PRO SE DEBTOR**                      **ATTORNEY FOR THE DEBTOR(S)**  
TO: **William A Van Meter**                      **CHAPTER 13 TRUSTEE**  
TO: **ALL INTERESTED PARTIES**  
TO: **THE CLERK OF THE ABOVE ENTITLED COURT**

Creditor, American Home Mortgage Servicing Inc FKA American Home Mortgage, hereby moves this Honorable Court for an order terminating the automatic stay for the purpose of eviction to allow American Home Mortgage Servicing Inc FKA American Home Mortgage to begin/proceed with eviction action against Debtor/Tenant and complete any and all contractual and statutory remedies available pertaining to American Home Mortgage Servicing Inc FKA American Home Mortgage's ownership interest held in the real property located at 7415 Desert Plains Drive, Sparks, NV 89436 ("Property"). This Motion is made and based on an amalgamation of the instant

pleading and exhibits and all other pleadings, statements and schedules on file herein, as well as the Section §362 Sheet attached hereto as Exhibit "A".

### **FACTS**

1. On or about October 2, 2006, a loan was originated on the property located at 7415 Desert Plains Drive, Sparks, NV 89436, secured and encumbered by a Deed of Trust, which is originally in favor of American Brokers Conduit.

2. Said property has been foreclosed on or about February 25, 2009, and a Trustee's Deed Upon Sale was recorded on March 30, 2009 and is attached hereto as Exhibit "B".

2. American Home Mortgage Servicing Inc FKA American Home Mortgage would like to begin eviction proceedings pursuant to the Trustee's Deed.

4. Debtors/Tenant filed their voluntary Chapter 13 on July 15, 2010.

5. The Movant requests relief from the automatic stay to proceed with eviction of the Debtors/Tenants.

### **POINTS AND AUTHORITIES**

The Bankruptcy Code provides for relief from the automatic stay:

- (1) For cause, including the lack of adequate protection of an interest in property of such party in interest;  
11 U.S.C. §362(d)(1).

Procedurally, a lift-stay movant has the burden to establish prima facie facts entitling it to relief. See In re Elmore, 94 B.R. 670 (Bankr. C.D.Cal. 1988). To establish a prima facie case, the moving creditor must demonstrate the following:

The Debtor owes the obligation to the Creditor;  
There is a valid security interest from which relief from the stay may be sought; or  
"Cause" justifying relief from the stay.

In re Kin, 71B.R. 1011, 1015 (Bankr. C.D.Cal. 1987). After a creditor has established its prima facie case, the burden of proof shifts to the debtor to prove that there is no cause to terminate the



1 automatic stay. 11 U.S.C. § 362(g)(2); In re Ellis, 60 B.R. 432, 435 (9<sup>th</sup> Cir. B.A.P. 1985) citing In  
2 re Gauvin, 24 B.R. 578 (9<sup>th</sup> Cir. B.A.P. 1982).

3 It is clear in the instant case that American Home Mortgage Servicing Inc FKA American  
4 Home Mortgage has foreclosed on the property and as a result of that foreclosure, they have  
5 obtained title to the property. The Debtor/Tenant had substantially defaulted on their mortgage  
6 obligations prior to the institution of the foreclosure proceeding. The lack of payments resulted in a  
7 properly noticed and scheduled foreclosure sale on February 25, 2009 . The Debtor has no legal  
8 interest in the subject property. In re Jeremiah Grant, 303B.R. 205 (Bankr. D.NV. 2003). "Cause"  
9 therefore exists to grant this Creditor relief from the automatic stay for the purpose of eviction.  
10 Based upon the foregoing authority American Home Mortgage Servicing Inc FKA American Home  
11 Mortgage is entitled to an order terminating the automatic stay for the purpose of eviction.  
12 American Home Mortgage Servicing Inc FKA American Home Mortgage respectfully requests that  
13 the Court determine that the Creditor is not adequately protected and allow the Creditor to lift the  
14 stay for the purpose of eviction and secure its collateral at no further costs to the Estate and its  
15 Creditors.  
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17  
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19 WHEREFORE, American Home Mortgage Servicing Inc FKA American Home Mortgage,  
20 CREDITOR respectfully requests:

- 21
- 22 1. That relief from the automatic stay for the purpose of eviction be granted to allow American  
23 Home Mortgage Servicing Inc FKA American Home Mortgage to use any and all other  
24 methods to obtain possession of the subject property and evict tenants;
  - 25 2. That the court waives the requirement of approval under LR 9021; see attached proposed  
Order Terminating the Automatic Stay; attached as Exhibit "C".
  3. Award reasonable attorneys fees and costs to American Home Mortgage Servicing Inc FKA  
American Home Mortgage;

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///

4. Waive the 14 day requirement under Fed R. Bank.Pro. 4001(a)(3); and
5. Award all other remedies that the Court may find reasonable and just.

Date: August 5 2010

/s/ Michael W. Chen  
Michael W. Chen, Esq.  
Nevada Bar No. 7307  
THE COOPER CASTLE LAW FIRM  
A Multi-Jurisdictional Law Firm  
Attorney for American Home Mortgage  
Servicing Inc FKA American Home Mortgage  
820 South Valley View Blvd.  
Las Vegas, NV 89107



DOC #3743858

03/30/2009 09:40:12 AM

Electronic Recording Requested By  
NORTH AMERICAN TITLE SUNSET EAS

Washoe County Recorder

Kathryn L. Burke - Recorder

Fee: \$15.00 RPTT: \$1455.50

Page 1 of 2

When recorded mail to:

*Mark Tap Statement To:*  
American Home Mortgage Servicing  
4600 Regent Blvd., Suite 200  
Irving, TX 75063

Space above this line for recorder's use only

File No. 7983.22133

Title Order No. 45010-07-  
04120

MIN No. 100024200014234237

## TRUSTEE'S DEED UPON SALE

APN: 084-58-202

The undersigned grantor declares:

- 1) The grantee herein **WAS** the foreclosing beneficiary.
- 2) The amount of the unpaid debt together with costs was: \$691,226.49
- 3) The amount paid by the grantee at the trustee sale was: \$354,600.00
- 4) The documentary transfer tax is: 1455.50
- 5) Said property is in: the County of Washoe

and **Northwest Trustee Services, Inc.**, (herein called Trustee), as the duly appointed Trustee under the Deed of Trust hereinafter described, does hereby grant and convey, but without warranty, express or implied to

**AMERICAN HOME MORTGAGE SERVICING INC FKA AMERICAN HOME MORTGAGE**

(herein called grantee), all of its right, title and interest in and to that certain property situated in the County of Washoe, State of Nevada, and described as follows:

### RECITALS:

This conveyance is made pursuant to the powers conferred upon Trustee by that certain Deed of Trust dated 10/02/06, executed by **EDMOND MARK HODGES, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY** as Trustor, to secure certain

**EXHIBIT "B"**

3743858 Page 2 of 2 03/30/2009 09:40:12 AM

obligations in favor of **MERS** as beneficiary, recorded **10/10/06**, as Instrument No. **3449010**, of Official Records in the Office of the Recorder of **Washoe** County, Nevada, and after fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance.

Default occurred as set forth in a Notice of Default and Election to Sell which was recorded in the office of the Recorder of said County.

All requirements of law regarding the mailing of copies of notices or the publication of a copy of the Notice of Default or the personal delivery of the copy of the Notice of Default and the posting and publication of copies of the Notice of Sale have been complied with.

Said property was sold by said Trustee at public auction on **02/25/09** at the place named in the Notice of Sale, in the County of **Washoe, Nevada**, in which the property is situated. Grantee, being the highest bidder at such sale, became the purchaser of said property and paid therefore to said trustee the amount being **\$354,600.00** in lawful money of the United States, or by the satisfaction, pro tanto, of the obligations then secured by said Deed of Trust.

Date: 03/17/09

**NORTHWEST TRUSTEE SERVICES, INC.**

By:   
Karen Talafus, Authorized Signatory

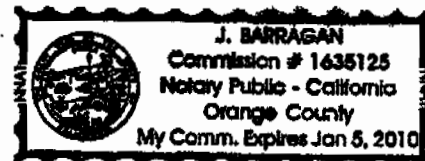
State of California )  
County of Orange )

On 03/17/09, before me, J. Barragan, Notary Public, personally appeared Karen Talafus, who proved to me on the basis of satisfactory evidence to be the person (s) whose name (s) is/are subscribed to the within instrument and acknowledged to me that he/she is he/they executed the same and his/her/their authorized capacity (ies), and that by his/her/their signature (s) on the instrument the person (s), or the entity upon behalf of which the person (s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature   
J. Barragan



**THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED  
WILL BE USED FOR THAT PURPOSE.**

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## EXHIBIT C

Stephanie L. Cooper, Esquire  
Nevada Bar No. 5919  
Michael W. Chen, Esquire  
Nevada Bar No. 7307  
THE COOPER CASTLE LAW FIRM  
A Multi-Jurisdictional Law Firm  
820 South Valley View Blvd.  
Las Vegas, NV 89107  
(702) 435-4175/(702) 435 4181 (facsimile)  
yylagan@ccfirm.com  
Our File No. 10-07-8636-NV

Attorney for Creditor  
American Home Mortgage Servicing Inc FKA American Home Mortgage

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

EDMOND MARK HODGES  
Debtor(s)

CHAPTER 13  
BANKRUPTCY NO.: 10-52788-GWZ  
DATE: September 10, 2010  
TIME: 1:30 PM

**ORDER TERMINATING THE AUTOMATIC STAY**  
**FOR THE PURPOSE OF EVICTION**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the Automatic Stay in the above-entitled Bankruptcy case is terminated as to Creditor, American Home Mortgage Servicing Inc FKA American Home Mortgage, its assignees and/or successors in interest, who may proceed with or continue with the Eviction in process of the subject Property and take all steps necessary to evict the tenants and regain possession in accordance with their contractual rights and statutory

1 remedies on the property located and generally described as 7415 Desert Plains Drive, Sparks, NV  
2 89436, ("Property" herein) and legally described as follows:

3 LOT 439 OF THE HIGHLANDS AT CIMARRON EAST, PHASE 4, AN ADDITION TO  
4 THE CITY OF SPARKS WHICH HAS THE ADDRESS OF 7415 DESERT PLAINS  
5 DRIVE, SPARKS, NEVADA.

Submitted by:

6 THE COOPER CASTLE LAW FIRM  
7 A Multi-Jurisdictional Law Firm

8 By: /s/ Michael W. Chen Date: August 5, 2010  
9 Michael W. Chen, Esq.  
10 Attorney for Creditor  
American Home Mortgage Servicing Inc FKA American Home Mortgage

11 By: \_\_\_\_\_ Date: \_\_\_\_\_  
12 William A Van Meter,  
Chapter 13 Trustee